



# Supreme Court of Wisconsin

BOARD OF BAR EXAMINERS  
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MADISON, WI 53703-3328  
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JACQUELYNN B. ROTHSTEIN  
DIRECTOR

December 21, 2017

Chief Justice Patience D. Roggensack  
Justice Shirley S. Abrahamson  
Justice Ann Walsh Bradley  
Justice Annette Kingsland Ziegler  
Justice Michael J. Gableman  
Justice Rebecca G. Bradley  
Justice Daniel Kelly  
16 East, State Capitol  
P.O. Box 1688  
Madison, WI 53701-1688

Dear Chief Justice and Justices:

On December 7, 2017, Rule Petition Number 17-10 was filed with the Court by Petitioner Aaron J. Loudenslager. On behalf of the Board of Bar Examiners, I respectfully request that the Court dismiss that petition and instead refer the matter to the Board for further consideration.

Petitioner Loudenslager is seeking a change to BA 6.02, one of the provisions contained in the Appendix to Chapter SCR 40. Supreme Court Rule 40.11 delegates rulemaking authority to the Board so that it may carry out the intent and purpose of Chapter SCR 40, Admission to the Bar. Changes to the Appendix, therefore, have been routinely handled by the Board. Since changes to the appendices have historically been made by the Board, it would be inconsistent with the Court's usual practice to make amendments to the appendices via a rule petition. There is also no pending case or controversy before the Court regarding this issue.

In the coming year, the Board will be considering whether changes to the application or to the appendix are necessary, including questions related to an applicant's character and fitness. As the Court is aware, applicants must provide a wide variety of information, including details about conduct or behavior that may affect their ability to practice law. Applicants bear the burden of providing information sufficient to affirmatively demonstrate that they have the requisite character and fitness appropriate for bar admission. Towards that end, the Board asks applicants to disclose conditions or impairments that may affect their ability to practice law competently and professionally. If an applicant discloses problematic conduct, then additional information is often sought. However, an impairment or a condition standing alone without corresponding problematic conduct or behavior does not typically warrant further Board inquiry. In short, the

**Board:** Steven M. Barkan, Chairperson, Madison; Judith G. McMullen, Vice Chairperson, Milwaukee; Patrick Delmore, Madison; Blake J. Duren, Reedsburg; Patricia Evans, Madison; Mark R. Fremgen, Madison; Jesus Garza, Madison; Kimberly Haas, Mosinee; Marc A. Hammer, Green Bay; Steven Levine, Madison; Sally M. Younger, Madison

Letter to the Wisconsin Supreme Court

December 21, 2017

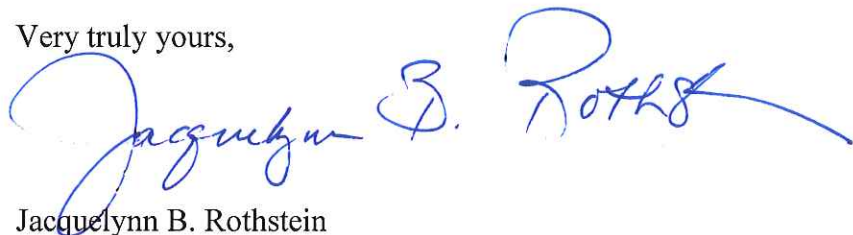
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Board's inquiries are designed to ensure that applicants admitted to the bar are fit to practice law, while also remaining compliant with the Americans With Disabilities Act and providing a necessary measure of protection to the public.

Given the Board's authority to make amendments to its appendices, and because there is no pending case or controversy before the Court regarding this issue, I respectfully request that this matter be referred to the Board for further consideration.

Please contact me if I may provide further information or assistance.

Very truly yours,

A handwritten signature in blue ink that reads "Jacquelyn B. Rothstein". The signature is written in a cursive style with a large initial "J" and a long horizontal flourish at the end.

Jacquelyn B. Rothstein  
Director

Enclosures

cc: Aaron J. Loudenslager, Petitioner